

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; AND AMAZON WEB
SERVICES, INC.,

Defendants.

Case No. 7:24-cv-00030-ADA-DTG

JURY TRIAL DEMANDED

**DECLARATION OF PETER TONG IN SUPPORT OF PLAINTIFF
VIRTAMOVE, CORP.'S OPPOSITION TO
AMAZON'S MOTION TO DISMISS OR TRANSFER (DKT. 31)**

I, Qi (Peter) Tong declare and state as follows:

1. I am a member of the State Bar of Texas and an attorney at the firm of Russ August & Kabat, counsel of record for Plaintiff VirtaMove, Corp. in the above-captioned action. I submit this declaration in support of Plaintiff's Opposition to Motion to Transfer. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit 01 is a true and correct copy of Plaintiff's Second Supplemental Objections and Responses to Defendants' First Set of Venue Requests For Interrogatories.

3. Attached as Exhibit 02 is a true and correct copy of Defendants' Second Supplemental Objections and Responses to Plaintiffs' First Set of Interrogatories Related to Venue.

4. Attached as Exhibit 03 is a true and correct screenshot of the website www.travelmath.com/distance/from/Israel/to/Midland,+TX captured September 26, 2024.

5. Attached as Exhibit 04 is a true and correct screenshot of the website <https://www.travelmath.com/distance/from/Israel/to/San+Francisco,+CA> captured September 26, 2024.

6. Attached as Exhibit 05 is a true and correct copy of a document produced by Amazon about Amul Cherukuri, designated Attorneys Eyes Only by Defendants.

7. Attached as Exhibit 06 is a true and correct copy of a document produced by Amazon about Alekhya Kumbam, designated Attorneys Eyes Only by Defendants.

8. Attached as Exhibit 07 is a true and correct, highlighted copy the September 5, 2024 deposition transcript of Mats Lanner, designated Attorneys Eyes Only by Defendants.

9. Attached as Exhibit 08 is a true and correct, highlighted copy of the August 23, 2024 deposition transcript of Phil Estes.

10. Attached as Exhibit 09 is a true and correct screenshot of the website <https://www.travelmath.com/distance/from/Wisconsin/to/Midland,+TX> captured September 27, 2024.

11. Attached as Exhibit 10 is a true and correct screenshot of the website <https://www.travelmath.com/distance/from/Wisconsin/to/San+Francisco,+CA> captured September 26, 2024.

12. Attached as Exhibit 11 is a true and correct, highlighted copy of the September 13, 2024 deposition transcript of Raviprasad Mummidi, designated Confidential by Amazon.

13. Attached as Exhibit 12 is a true and correct copy of the Declaration of Dean Huffman in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

14. Attached as Exhibit 13 is a true and correct, redacted copy of the Declaration of Paul O'Leary in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

15. Attached as Exhibit 14 is a true and correct copy of the Declaration of Chuck Colford in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

16. Attached as Exhibit 15 is a true and correct copy of the Declaration of Mark Woodward in Support of Plaintiff VirtaMove, Corp.'s Opposition to Motion to Transfer Venue.

17. Attached as Exhibit 16 is a true and correct copy of the Declaration of Greg O'Connor in Support of Plaintiff VirtaMove Corp.'s Opposition to Motion to Transfer Venue.

18. Attached as Exhibit 17 is a true and correct copy of a LinkedIn profile for Ernesto Benedito.

19. Attached as Exhibit 18 is a true and correct copy of a LinkedIn profile for David Roth as accessed by Susan Cameron.

20. Attached as Exhibit 19 is a true and correct copy of a LinkedIn profile for Phil Estes as accessed by Susan Cameron.

21. Attached as Exhibit 20 is a true and correct copy of Defendants' Objections to Plaintiff's 30(b)(6) Topics for Deposition.

22. Attached as Exhibit 21 is a true and correct copy of the website www.virtamove.com/contact, retrieved September 27, 2024.

23. Attached as Exhibit 22 is a true and correct copy of a photograph of two boxes as taken by Susan Cameron.

24. Attached as Exhibit 23 is a true and correct picture of VirtaMove's Source Code Laptop at the office of Russ, August & Kabat in Dallas, TX.

25. Attached as Exhibit 24 is a true and correct copy of Judge Gilstrap's Docket Control Order from *VirtaMove, Corp. v. Hewlett Packard Enterprise Co.*, No. 2:24-cv-00093-JRG, Dkt. 54 (E.D. Tex.).

26. Attached as Exhibit 25 is a true and correct copy of Resonant Systems, Inc.'s Response to Sony Interactive Entertainment Inc.'s Petition for Writ of Mandamus, Document 9 from *In re Sony Interactive Entertainment Inc.*, Dkt. 9 (Fed. Cir. Aug. 30, 2024) without the appendix.

27. Attached as Exhibit 26 is a true and correct copy of the scheduling order from *VirtaMove, Corp. v. Googe LLC*, No. 7:24-cv-00033-DC-DTG, Dkt. 34 (W.D. Tex.).

28. Attached as Exhibit 27 is a true and correct copy of the cover pleading for Amazon's Initial Invalidity Contentions.

29. Attached as Exhibit 28 is a true and correct copy of the Federal Court Management Statistics from June 2024, available at <https://www.uscourts.gov/statistics-reports/federal-court-management-statistics-june-2024>.

30. Attached as Exhibit 29 is a true and correct copy of Judge Gilstrap's Protective Order from *VirtaMove, Corp. v. Hewlett Packard Enterprise Co.*, No. 2:24-cv-00093-JRG, Dkt. 60 (E.D. Tex.).

31.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on September 27, 2024 in Dallas, Texas.

/s/ Qi (Peter) Tong

Qi (Peter) Tong (TX SBN 24119042)
ptong@raklaw.com

RUSS AUGUST & KABAT
4925 Greenville Ave., Suite 200
Dallas, TX 75206
Telephone: (310) 826-7474

Attorneys for Plaintiff VirtaMove, Corp.

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2024, all counsel of record who consented to electronic service are being served with a copy of the foregoing via the Court's CM/ECF system, and that the sealed exhibits are being served via email.

/s/ Qi (Peter) Tong
Qi (Peter) Tong